

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Carole BEAULIEU et al.
Serial : 10/728,876
Filed: December 8, 2003
Group Art Unit: 1651
Examiner: Irene Marx
Attorney docket: 765/10857.369
Title: GELDANAMYCIN-PRODUCING STRAINS, USES
THEREOF AND METHODS OF PRODUCING SAME

PETITION TO REVIVE AN UNINTENTIONALLY

ABANDONED APPLICATION UNDER 37 CFR 1.137(b)

Mail Stop PG Pub
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

Sir:

Applicant respectfully submits herewith a petition to revive an unintentionally abandoned application under 37 CFR 1.137(b).

In an investigation to determine why the present application had not yet been published, it was discovered yesterday that Applicant erroneously checked the box "Request that Application not be published pursuant to 35 U.S.C. 122(b)(2)". A copy of the Utility Patent Application Transmittal sheet is enclosed for your convenience. As a result, the above-identified application became abandoned because Applicant failed to timely notify the Office of the filing of a foreign application within 45 days of the date of filing a Canadian application as required by 35 U.S.C. 122 (b)(2)(B)(iii) and 37 CFR 1.213(c). The entire delay in notifying the Office of a foreign filing, from the due date until the filing of a grantable petition, was unintentional.

A rescission of previous nonpublication request is also enclosed.

Although an Office Action is outstanding in the present application, the delay for submitting the response has not yet expired. The response will thus be submitted in due course and is not enclosed. We believe that the forgoing satisfies the requirements under 37 CFR 1.137(b). However, should it be rejected, Applicant would appreciate a prompt notification.

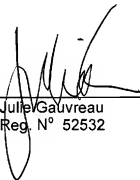
The fees that apply in the present application are those of a Small Entity. Accordingly, the Commissioner is hereby authorized to charge the amount of \$750.00 to cover the petition fee herein requested to Deposit Account No. 07-1742. The Commissioner is further authorized to charge any deficiencies or to credit any overcharges to this same Deposit Account number.

Favorable action is courteously requested.

Respectfully submitted.

Date: February 28, 2007

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UTILITY PATENT APPLICATION TRANSMITTAL

(Small Entity)

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Docket No.
10857.369

Total Pages in this Submission
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TO THE ASSISTANT COMMISSIONER FOR PATENTS

Box Patent Application
Washington, D.C. 20231

Transmitted herewith for filing under 35 U.S.C. 111(a) and 37 C.F.R. 1.53(b) is a new utility patent application for an invention entitled:

GELDANAMYCIN-PRODUCING STRAINS, USES THEREOF AND METHODS OF PRODUCING SAME

and invented by:

Carole Beaulieu, 185 Saint-Roch Sud, Rock Forest, Quebec, Canada J1N 2T5
Julie Beauséjour, 31 des Mélézes, St-Étienne de Lauzon, Canada G6J 1W3
Sonya Agbessi, 5765 chemin Hudson, app. 7, Montréal, Québec, Canada H3S 2G4

If a **CONTINUATION APPLICATION**, check appropriate box and supply the requisite information:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: _____

Which is a:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: _____

Which is a:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: _____

Enclosed are:

Application Elements

1. ☒ Filing fee as calculated and transmitted as described below
2. ☒ Specification having 37 pages and including the following:
 - a. ☒ Descriptive Title of the Invention
 - b. ☐ Cross References to Related Applications (if applicable)
 - c. ☐ Statement Regarding Federally-sponsored Research/Development (if applicable)
 - d. ☐ Reference to Sequence Listing, a Table, or a Computer Program Listing Appendix
 - e. ☒ Background of the Invention
 - f. ☒ Brief Summary of the Invention
 - g. ☒ Brief Description of the Drawings (if filed)
 - h. ☒ Detailed Description
 - i. ☒ Claim(s) as Classified Below
 - j. ☒ Abstract of the Disclosure

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Application Elements (Continued)

3. ☒ Drawing(s) *(when necessary as prescribed by 35 USC 113)*
- a. ☐ Formal Number of Sheets _____
- b. ☒ Informal Number of Sheets 11
4. ☒ Oath or Declaration
- a. ☐ Newly executed *(original or copy)* ☒ Unexecuted
- b. ☐ Copy from a prior application (37 CFR 1.63(d)) *(for continuation/divisional application only)*
- c. ☐ With Power of Attorney ☐ Without Power of Attorney
- d. ☐ DELETION OF INVENTOR(S)
Signed statement attached deleting inventor(s) named in the prior application,
see 37 C.F.R. 1.63(d)(2) and 1.33(b).
5. ☐ Incorporation By Reference *(usable if Box 4b is checked)*
The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
6. ☐ CD ROM or CD-R in duplicate, large table or Computer Program (Appendix)
7. ☐ Application Data Sheet (See 37 CFR 1.76)
8. ☐ Nucleotide and/or Amino Acid Sequence Submission *(if applicable, all must be included)*
- a. ☐ Computer Readable Form (CFR)
- b. ☐ Specification Sequence Listing on:
- i. ☐ CD-ROM or CD-R (2 copies); or
- ii. ☐ Paper
- c. ☐ Statement(s) Verifying Identical Paper and Computer Readable Copy

Accompanying Application Parts

9. ☐ Assignment Papers (cover sheet & document(s))
10. ☐ 37 CFR 3.73(B) Statement (when there is an assignee)
11. ☐ English Translation Document (if applicable)
12. ☐ Information Disclosure Statement/PTO-1449 ☐ Copies of IDS Citations
13. ☐ Preliminary Amendment
14. ☐ Return Receipt Postcard (MPEP 503) (Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s) (if foreign priority is claimed)
16. ☐ Certificate of Mailing
- ☐ First Class ☐ Express Mail *(Specify Label No.):* _____

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Accompanying Application Parts (Continued)

17. ☒ Applicant claims small entity status. See 37 CFR 1.27.

☐ (Optional) Small Entity Statement(s) - Specify Number of Statements Submitted: _____

18. ☐ Additional Enclosures *(please identify below)*:

Request That Application Not Be Published Pursuant To 35 U.S.C. 122(b)(2)

19. ☒ Pursuant to 35 U.S.C. 122(b)(2), Applicant hereby requests that this patent application not be published pursuant to 35 U.S.C. 122(b)(1). Applicant hereby certifies that the invention disclosed in this application has not and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing of the application.

Warning

An applicant who makes a request not to publish, but who subsequently files in a foreign country or under a multilateral International agreement specified in 35 U.S.C. 122(b)(2)(B)(i), must notify the Director of such filing not later than 45 days after the date of the filing of such foreign or international application. A failure of the applicant to provide such notice within the prescribed period shall result in the application being regarded as abandoned, unless it is shown to the satisfaction of the Director that the delay in submitting the notice was unintentional.

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(Small Entity)

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Fee Calculation and Transmittal

CLAIMS AS FILED

For	#Filed	#Allowed	#Extra	Rate	Fee
Total Claims	20	- 20 =	0	x \$9.00	\$0.00
Indep. Claims	4	- 3 =	1	x \$42.00	\$42.00
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					\$0.00
BASIC FEE					\$375.00
OTHER FEE (specify purpose)					\$0.00
TOTAL FILING FEE					\$417.00

- ☐ A check in the amount of _____ to cover the filing fee is enclosed.
- ☒ The Commissioner is hereby authorized to charge and credit Deposit Account No. 07-1742 as described below. A duplicate copy of this sheet is enclosed.
- ☒ Charge the amount of \$417.00 as filing fee.
- ☐ Credit any overpayment.
- ☐ Charge any additional filing fees required under 37 C.F.R. 1.16 and 1.17.
- ☐ Charge the issue fee set in 37 C.F.R. 1.18 at the mailing of the Notice of Allowance, pursuant to 37 C.F.R. 1.311(b).

Dated: December 5, 2003


Signature
Julie Gauvreau, Reg. No. 52,532

CC: